

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**MICHAEL SABELLA,**

06 – CV – 6566 (NG)(SMG)

**Plaintiff,**

**v.**

**AMERICAN STEVEDORING, INC., and  
LOCAL 1814 INTERNATIONAL  
LONGSHOREMAN'S ASSOCIATION, AFL-CIO,**

**Defendants.**  
-----X

**AFFIRMATION IN SUPPORT**

Matthew J. Blit, an attorney duly admitted to practice law before this Court,  
hereby affirms as follows under penalty of perjury.

1. I am partner of the law firm Levine & Blit, PLLC, counsel for plaintiff Michael Sabella in the above-captioned action. I hereby submit this Affirmation in Support of Plaintiff's Motion for Judgment as a Matter of Law against defendant Local 1814 International Longshoremen's Association, AFL-CIO ("Local 1814") pursuant to Rule 50(b) of the Federal Rules of Civil Procedure ("F.R.C.P"); and/or, alternatively or conditionally, Motion for a New Trial against Local 1814 pursuant to Rules 50(b), 50(c), and 59 of the F.R.C.P along with the accompanying memorandum of law and exhibits annexed hereto.

2. Annexed hereto as "Exhibit A" is a true and accurate copy of the trial transcript containing the testimony of Michael Sabella elicited on November 10, 2014.

3. Annexed hereto as “Exhibit B” is a true and accurate copy of the charge of discrimination filed by Michael Sabella against American Stevedoring, Inc. on May 2, 2006, which was admitted into evidence at trial as Joint Exhibit 3.

4. Annexed hereto as “Exhibit C” is a true and accurate copy of the charge of discrimination filed by Michael Sabella against Local 1814 International Longshoreman’s Association, AFL-CIO, on July 20, 2006, which was admitted into evidence at trial as Joint Exhibit 4.

5. Annexed hereto as “Exhibit D” is a true and accurate copy of the trial transcript containing the testimony of Alfred Feliu, Esq. elicited on November 14, 2014.

6. Annexed hereto as “Exhibit E” is a true and accurate copy of the trial transcript containing the testimony of Louis Pernice and Frank Agosta elicited on November 18, 2014.

7. Annexed hereto as “Exhibit F” is a true and accurate copy of the trial transcript containing the testimony of Michael Sabella elicited on November 12, 2014.

8. Annexed hereto as “Exhibit G” is a true and accurate copy of Michael Sabella’s yearly payroll records as maintained by the New York Shipping Association, which was admitted into evidence at trial as Defendant Union Exhibit 19C.

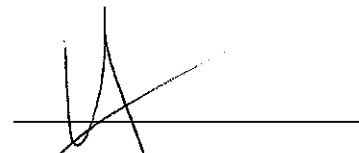
9. Annexed hereto as “Exhibit H” is a true and accurate copy of a chart explaining the meaning of the employee attendance codes maintained by the New York Shipping Association, which was admitted into evidence at trial as Defendant Union Exhibit 19A.

10. Annexed hereto as "Exhibit I" is a true and accurate copy of Michael Sabella's employee attendance records as maintained by the New York Shipping Association, which was admitted into evidence at trial as Defendant Union Exhibit 20.

Respectfully submitted,

Dated: December 17, 2014  
New York, NY

LEVINE & BLIT, PLLC



Matthew J. Blit  
350 Fifth Avenue, Suite 3601  
New York, NY 10118  
Tel. (212) 967-3000  
[mblit@levineblit.com](mailto:mblit@levineblit.com)  
*Attorneys for Plaintiff*